

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 6 February 2018 at 1.00 pm**

Present:

Members of the Committee:

Councillors J Clare, D Hicks, I Jewell, C Kay, A Laing, H Nicholson, G Richardson, A Shield and M Wilkes

In the absence of the Chairman and Vice-Chairman, nominations were sought for the Chairman of the meeting.

Moved by Councillor Laing, **Seconded** by Councillor Nicholson and

Resolved:

That Councillor I Jewell be nominated as Chairman of the meeting.

Councillor I Jewell (Chairman)

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, L Maddison, J Robinson, A Simpson, P Taylor, F Tinsley and S Wilson.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 2 January 2018 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/17/01929/FPA - Maiden Castle Sports Centre, Maiden Castle, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the extension and refurbishment of the existing sports centre, erection of associated changing pavilion, two beach volleyball courts with

associated landscaping and infrastructure (revised description) at Maiden Castle Sports Centre, Maiden Castle, Durham (for copy see file of Minutes).

A Inch, Strategic Development Manager gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, proposed layout and ground floor of the extended sports centre, existing view from the A177 and that after one year and 10 years and existing and proposed views from Old Durham.

The Strategic Development Manager referred the Committee to proposed Condition 11 and reported that a Travel Plan had now been submitted and agreed and this should be listed as an approved document under Condition 2.

Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Mr R Cornwell addressed the Committee on behalf of the Durham City Neighbourhood Planning Forum and the City of Durham Trust to object to the application.

It was common ground between the applicants, the planning officer and the Forum that this application was inappropriate development in the Green Belt.

The development was therefore only acceptable where very special circumstances existed. Such circumstances would not exist unless the potential harm to the Green Belt was clearly outweighed by other considerations. This was more than a balance of probabilities, it had to be a clear difference.

The University's case was a consequence of its unilateral decision to expand the number of students in Durham from around 15,500 in 2017 to 16,500 in 2018 and growing to 21,500 by 2027. This had not been the subject of any proper scrutiny. The University's Estate Masterplan was a one-sided document which had not been considered by any Council Committee and had no planning status.

If, eventually, it reached the County Durham Plan it would need to be subject to a Strategic Environmental Assessment, which must take into account the very detrimental effect on the City of this expansion, not only the conversion of family homes to student lets and the monopolising of prime sites for purpose built student accommodation, but also the effect on the economic life of the City, which was empty for half the year when students were away.

The University had around six applicants for each undergraduate place and did not need these sports facilities to attract applicants.

Mr Cornwell referred to possible alternative sites and informed the Committee that only those not in the University's estate had been considered. There was land at Hild/Bede and at the various colleges that could and should have been assessed. The University planned to decommission existing gym facilities at Hild/Bede and replace them with facilities at Maiden Castle. The University had unilaterally excluded part of its own recreational estate from the search and was expecting the

wider community to accept that the Green Belt should make up a deficit which was of its own making.

Having all of the facilities on one site may be the University's ideal solution, but it had already accepted that tennis would be a step too far. In terms of national planning policy, not developing on the Green Belt was the ideal solution.

Paragraph 88 of the NPPF stated that 'local planning authorities should ensure that substantial weight was given to any harm to the Green Belt' this carried greater weight than an objective of putting everything on the same site, which the applicant had already departed from during the development of this submission. If facilities were split across sites more alternatives became available, and sites that would be too small to hold everything could be considered. This would be the responsible approach for a major body such as Durham University to take and not to do obvious harm to the Green Belt.

Mr Cornwell referred to the public benefit, which meant the community use of facilities, not student sport. The figures provided were not precise or detailed enough to allow the Committee to assess the relative importance of the community benefits on offer. It was not clear, for example, whether the hours related to individuals or teams, or what proportion of the facilities would be available to the community. The letters of support from various sporting bodies were broadly very generic and did not refer at all to this proposed development. Quite a lot were for outdoor sports and supported the upgrade floodlights.

Mr Cornwell urged the Committee to reject the application on the grounds that the very special circumstances that NPPF Paragraphs 87 and 88 required, in order to justify demonstrable harm to the Green Belt, had not been made.

Ms J Robinson and Mr Q Sloper of Durham University address the Committee in support of the application.

Ms Robinson informed the Committee that the proposed development would support the delivery of one of the first elements of Durham University's proposed Estate Masterplan which had been developed in consultation with Durham County Council and a wide range of stakeholders; to enable the University to continue its success as a world leading institution and to maximise benefits to the local area.

The University boosted the UK economy by £1.1 billion a year and supported nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north east.

The application site was recognised in the Masterplan as being a key gateway point into Durham City and therefore was a key frontage for the University. The University was seeking to invest £29.5 million in Maiden Castle Sports for this phase of development, as it was recognised as a strategic site of sporting excellence. The University wanted to ensure that its facilities were more attractive to host major external sporting events that would raise the profile and generate new income.

Mr Sloper informed the Committee that the objective of the entire project was to provide a new high class, state-of-the-art, fit for purpose venue for Durham University Sport at Maiden Castle.

The proposed development would bring wider benefits to the area and would provide improved sports facilities which would benefit not only the University but also the wider community. Maiden Castle already acted as a hub for community sport, hosting over 15 community clubs and 2,000 local residents on a weekly basis. Extending the facilities on the existing site would build on the very strong reputation Maiden Castle already had as a hub for community engagement within the city and local area. This phase of redevelopment would increase community use by 457 hours per week.

Councillor Wilkes asked whether the University had considered alternative sites for the proposed sports facilities because he considered there were many possible sites around Durham City.

Mr Cornwell informed the Committee that the University sequential study had been of sites it did not own. This application was for an indoor sports facility to be erected which could be accommodated elsewhere on the University estate.

The Strategic Development Manager informed the Committee that the University had carried out a sequential assessment of alternative sites but these were either not available or had other planning constraints.

Ms Robinson informed the Committee that the University had considered options of how this site could be developed and this application was considered to be the best to take forward.

Councillor Jewell referred to paragraph 158 of the Committee report which stated that 28 sites had been considered.

Councillor Laing asked how many jobs would be created by the development. Ms Robinson replied that an independent economic study showed the University boosted the UK economy by £1.1 billion a year and supported nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north-east. Mr Sloper added that the development would support 15 operational staff with this number expected to increase as the facilities were used more.

The Strategic Development Manager referred to paragraph 171 of the report which stated the development would create 88 direct jobs and 133 indirect jobs during the construction period.

Councillor Shield informed the Committee that there were no statutory or internal objections to the application. Although there were objections from Elvet Residents, City of Durham Trust, the CPRE and the Durham City Neighbourhood Planning Forum, he considered there to be sufficient mitigation. He was pleased that there would be community access to the proposed facility and informed the Committee that he was minded to approve the application.

In reply to a question from Councillor Kay, it was confirmed that the University currently owned the site. Councillor Kay informed the Committee that a large sports hall had existed on the site and therefore on the Green Belt for a number of years and this application sought to increase the size of that hall. Councillor Kay seconded approval of the application.

Councillor Clare informed the Committee that he did not wish to minimise the issue of encroachment onto the Green Belt. Had this Green Belt been open land and there was an application to build a large sports hall then he would have viewed it differently, but there was already a sports hall on the site and this application was to increase the size of something which already existed. The extension of facilities on the site would enhance the student experience for Durham University and would also provide first class sports facilities. Councillor Clare supported the application.

Councillor Wilkes informed the Committee that he had concerns about the very special circumstances for building on the Green Belt and asked how many times the citing of very special circumstances would be used to build on Green Belt land. He considered that the quality of the photographs used during the presentation of the application to be poor and these gave no idea of what the view of the new building would be. Councillor Wilkes sought better images of what the development would look like and informed the Committee that he would defer the decision until such clarity was forthcoming.

Councillor Jewell reminded the Committee that all Members had the opportunity to attend the site visit the previous day to view the site location and setting. Councillor Wilkes replied that while he knew the site, he was unaware of how the development would look.

Councillor Richardson informed the Committee that he considered the application to be a stunning development which would bring sports facilities together and encourage elite athletes. Councillor Richardson sought further information on flood mitigation for the new building. The Strategic Development Manager replied that the new sports hall was to be built on a flood plain and as such was designed to let flood water safely flow through it, which would reduce the potential for the flood risk to be increased elsewhere.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the referral of the application to the Secretary of State via the National Planning Casework Unit; and in the event of the application not being called in, the Head of Planning be authorised to determine the application, and the Conditions, as amended, contained in the report.

b DM/17/01260/MIN - Raisby Quarry, Raisby Hill, Coxhoe

The Committee considered a report of the Senior Planning Officer regarding an application for the extension of time for quarrying operations until 2042 with restoration by 2044 at Raisby Quarry, Raisby Hill, Coxhoe (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site access, views east to west, a view of the working face, proposed phases 1, 2 and 3 and proposed restoration.

The Senior Planning Officer informed the Committee that feedback had been received from Environmental Health on noise and it was proposed to amend Condition 25 to introduce lower ambient noise levels of 42dBL_{Aeq 1 hour} (48dBL_{Aeq 1 hour} at Low Raisby Farm) at the nearest noise sensitive receptors between the hours of 6 a.m. and 7 a.m.

Councillor Richardson informed the Committee that the application had received no objections and that this was an established quarry which appeared to be well-run. Councillor Richardson **moved** approval of the application. **Seconded** by Councillor Clare.

Resolved:

That the application be approved subject to the Conditions contained in the report and an amendment to Condition 25 as explained by the Senior Planning Officer.

c DM/17/02158/FPA - High Farm, 296 Toft Hill Lane, Toft Hill, Bishop Auckland, DL14 0QA

The Committee considered a report of the Senior Planning Officer regarding an application for the proposed development of holiday accommodation with associated infrastructure, landscaping and ancillary operations including use of existing farm buildings for related on-site fabrication, maintenance and storage, and continuation of existing bakery school at High Farm, 296 Toft Hill Lane, Toft hill, Bishop Auckland (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, views across the development site, proposed layout, details of the reception and amenity blocks and examples of the camping buildings to be used.

Councillor H Smith, local Member, was unable to attend the meeting but requested that the following statement in support of the application be read to Committee:

'I support this application for erection of tents, camping pods and camping pitches as part of farm diversification at High Farm in Toft Hill.

The design of the holiday accommodation looks to be of high quality and will enhance the offer to visitors to the area. The landscaping and wildlife area proposed will also be beneficial to the local environment.

There has not been a single objection submitted to the DCC planning website, and I have received no communications from local residents with any concerns about the proposed development. I hope that it will be approved.'

Councillor Nicholson informed the Committee that he considered this to be an excellent application which would attract visitors from the A68. Councillor Kay agreed that this was an excellent application adding that there was a paucity of quality accommodation in the area and that this accommodation may be used by visitors to Kynren in the summer.

Councillor Shield, while welcoming the application, questioned whether there was anything in the proposed permission to prevent permanent residency within any of the proposed units. The Senior Planning Officer replied that the proposed Condition 3 was the standard type of Condition to prevent permanent residency and the Planning and Development Solicitor confirmed that this Condition was legally enforceable should it be needed.

Councillor Wilkes informed the Committee that he considered this to be an excellent proposal which had attracted no objection from 30 households in the area.

Councillor Richardson referred to land surrounding the holiday accommodation and asked whether access arrangements had been agreed for tenant farmers.

J Lavender, agent for the applicant, confirmed that prior to submission of the application arrangements had been made with tenant farmers to allow access to their land by separate and alternative accesses.

Moved by Councillor Nicholson, **Seconded** by Councillor Laing and

Resolved:

That the application be approved subject to the Conditions contained in the report.

Signed
Chairman of the meeting held on 3 April 2018